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The Department of Energy (DOE)

Savannah River Operations Office (SR)



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Workforce Restructuring Plan

Fiscal Year 2009

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04/28/2009

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DRAFT

04/28/2009

TABLE OF CONTENTS

I.	INTRODUCTION.....	1
A.	EXECUTIVE SUMMARY	1
B.	PREFACE	2
II.	ROLES AND RESPONSIBILITIES	2
A.	STAKEHOLDER INPUT.....	2
B.	DOE-SR RESPONSIBILITIES	3
C.	THE ROLE OF CONTRACTORS	3
	1. The Employers.....	3
	2. Communications.....	4
III.	PLANNING.....	4
A.	PLAN APPLICABILITY	4
B.	TIMING OF NOTIFICATION OF WORKFORCE RESTRUCTURING	4
C.	WORKFORCE PLANNING	5
	1. Skills Inventory	5
	2. Assessment of Skills Relative to Skills Requirements	5
	3. Workforce Planning and Restructuring Strategy.....	6
IV.	WORKFORCE RESTRUCTURING PROGRAMS	6
A.	GENERAL PROCEDURES FOR WORKFORCE RESTRUCTURING.....	6
B.	SELF-SELECT VOLUNTARY SEPARATION PROGRAM(SSVSP).....	7
C.	INVOLUNTARY SEPARATION PROGRAM (ISP).....	7
V.	ASSISTANCE AND BENEFIT PROGRAMS.....	8
A.	RETRAINING PROGRAMS	8
	1. Objectives	8
	2. Retraining for Retained Employees	8
B.	DOE DISPLACED WORKER MEDICAL BENEFIT PROGRAM.....	9
C.	SECTION 3161 HIRING PREFERENCE	9
	1. The Section 3161 Rehiring Preference for Eligible Separated Employees	9
	2. Subcontracts and Implementation of the Section 3161 Rehiring Preference	
D.	OUTPLACEMENT SERVICES.....	11

**APPENDIX A - STATEMENT OF INTEREST IN MAINTAINING SECTION 3161
EMPLOYMENT ELIGIBILITY**

**APPENDIX B - THE SAVANNAH RIVER SITE CONTRACTOR PREFERENCE IN
HIRING PROCEDURES**

DRAFT

04/28/2009

I. INTRODUCTION

A. EXECUTIVE SUMMARY

Section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Section 3161) directs the Secretary of Energy, upon a determination that a change in the work force is necessary at a Department of Energy (DOE) defense nuclear facility, to develop a plan for workforce restructuring in consultation with affected stakeholders. The objectives of such a plan are to minimize involuntary separations, reduce the social and economic impact of restructuring on individuals who are involuntarily separated, and mitigate the detrimental effects of restructuring on the surrounding communities.

This workforce restructuring plan (Plan) covers the contractors reporting to the Savannah River Office (SR) and performing work at the Savannah River Site (SRS or the Site). The Plan establishes the general framework within which any restructuring of the work force at the SRS will be implemented. Once approved, this Plan establishes the policy of the Department¹ for responding to the changing missions and the changing contractor structure at the SRS for fiscal year 2009 and beyond. Further modifications to this Plan may be made if circumstances require.

This Plan reflects the Department's experience over the fifteen years since the enactment of Section 3161. The benefits described in this Plan are consistent with the authority granted in Section 3161, Departmental policy, and with appropriations provided by the Congress. Specific contractor employment reductions, or workforce restructuring "programs," will be developed as necessary, using this Plan as a guide and in light of the programmatic and other relevant factors driving each restructuring.

As set out in detail below, the objective of this Plan is to minimize the impact of restructuring on affected employees and the community to the extent practicable, and funding is available through:

- Internal transfers to jobs open in the contractor work force where employees can perform the work required with retraining, consistent with the hiring benefits discussed below.
- Retraining assistance for internal job opportunities.
- Rehiring preference for any involuntarily separated employees meeting eligibility requirements.
- Outplacement assistance for eligible employees to maximize opportunities for external job placement when internal placement or retraining programs are not practicable.

¹ Unless specified otherwise, the terms "Department" and "DOE" as used herein refer to the Department of Energy

DRAFT

04/28/2009

- Consultation and coordination with the community and area stakeholders to assure avenues of assistance are available for affected workers and the objectives of Section 3161 are met.

B. PREFACE

The multi-faceted SR mission is dedicated to environmental management cleanup, developing and deploying cleanup technologies, ensuring the viability of the nuclear weapons stockpile through reservoir processing and Tritium production, as well as processing and storing nuclear materials in support of U.S. nuclear non-proliferation efforts. This Plan is applicable to all the contractors reporting to SR.

This Plan seeks to meet the objectives of Section 3161 consistent with budget constraints and the mission needs of the SRS. The objectives of the Plan are to:

- Minimize involuntary separations,
- Minimize the impact of restructuring on individuals who are involuntarily separated,
- Mitigate the detrimental impact of restructuring on the surrounding communities,
- Maintain the integrity of the core competencies required to carry out the missions of the SRS, and
- Restructure and reorganize SRS operations as appropriate to support the Department's strategic objectives within available funding.

II. ROLES AND RESPONSIBILITIES

A. STAKEHOLDER INPUT

Upon a determination that the work force at a DOE defense nuclear facility may need to be restructured, Section 3161 requires DOE to develop a workforce restructuring plan in consultation with appropriate representatives of state and local governments, appropriate representatives of affected employees, and other affected Site stakeholders. DOE-SR is committed to ensuring stakeholder involvement in developing policies regarding workforce restructuring for the SRS and will:

- Notify stakeholders and make this draft workforce restructuring plan available on the SRS web site for at least a 7-day comment period.
- Analyze comments received.

DRAFT

04/28/2009

- Make changes to the draft plan in light of stakeholder comments, as appropriate.
- Send copy of the final plan to DOE Headquarters offices for approval.
- Transmit the approved plan to Congress.
- Distribute the approved Plan and post it on the SRS website.

B. DOE-SR RESPONSIBILITIES

DOE-SR is responsible for establishing workforce restructuring policy and developing the Section 3161 Plan. The contractor shall obtain prior DOE-SR approval for any workforce restructuring separation programs involving more than 100 employees over a twelve-month period (see procedures outlined below, pages 6-7). DOE-SR will evaluate the contractors' implementation of this Plan. Consistent with its obligations under Executive Order 11246 of September 24, 1965, as amended by Executive Order 12086 of October 5, 1978, the Department will particularly scrutinize any proposed workforce restructuring actions involving 50 or more employees within a twelve-month period for possible disparate impact on minorities and other protected classifications of employees.

C. THE ROLE OF SR CONTRACTORS

1. The Employers

While the contractors are not specifically identified as stakeholders by Section 3161, they cannot realistically be excluded from the process of developing workforce restructuring policy. The information they supply is used to evaluate the existing work force and to determine the need for restructuring. The contractors, not DOE, are the employers of the workers who may be affected by workforce restructuring activities and as such have responsibilities to those employees. The contractors must terminate the employment of separating employees and it is also the contractors that must implement the workforce restructuring Plan developed by DOE. The contractors may also be parties to collective bargaining agreements covering some employees. The M&O Contractor and the Liquid Waste contractor sponsor the site's multiple employer pension plan and other benefit plans and they are responsible for the management and administration of those benefit plans.

The contractors will perform their own workforce planning consistent with the DOE Section 3161 Plan. Subject to DOE approval, the contractor's workforce restructuring plans may also be multi-year restructuring action plans, which may need to be revised and updated periodically.

DRAFT

04/28/2009

2. Communications

Timely and accurate communication with employees is essential. The contractors shall comply in all respects with the requirements of DOE Orders and guidelines regarding announcement of workforce restructuring actions. The contractors shall communicate information regarding workforce restructuring to the employees before releasing any information to the news media. The contractors will ensure all information intended for release to internal or external audiences is consistent with all legal and contractual requirements, including any applicable personnel policies.

III. PLANNING

A. PLAN APPLICABILITY

This Plan supersedes the prior SRS 3161 Plan dated May 1997. The new Plan is open-ended without a termination date. Therefore, unless amended, withdrawn, or replaced, it will provide the guidelines for all future workforce restructuring actions involving operations conducted at SR. The benefits described in this Plan are subject to the availability of funds. It is DOE-SR policy that Displaced Worker Medical Benefits (described below) and outplacement assistance benefits (as provided by the Employment Security Commission in the State of South Carolina and the Department of Labor in the State of Georgia) are to be offered to all eligible displaced employees. However, changes in this policy may be made depending on the circumstances of the restructuring actions and availability of funds. Involuntarily separated employees who meet applicable requirements set forth in Section V.C.1 of the Plan will be entitled to the Section 3161 rehiring preference detailed below. Any “enhanced benefits” requested by the contractors (i.e., benefits above and beyond those legally required and/or already a part of the contract) are subject to Department approval and the availability of funds. Although this Plan applies to contractor and subcontractor employees, it does not necessarily provide all the employees (contractor or subcontractor) with the same benefits.

B. TIMING OF NOTIFICATION OF WORKFORCE RESTRUCTURING

Advance notification of intent to implement workforce restructuring actions should be provided as early as possible to maximize notification to the work force and the community, with an objective of 120 days notice to employees and the community for development of a workforce restructuring plan prior to the involuntary separation (other than for cause) of employees. This notice must come from the Department.

Any involuntary separation will also be conducted consistent with DOE Orders and guidelines, and applicable laws and regulations. If the Worker Adjustment and Retraining Notification (WARN) Act is applicable to a particular involuntary workforce restructuring program, affected employees will be given written notice consistent with the

DRAFT

04/28/2009

applicable legal requirements prior to their separation. The WARN notice will come from the contractor pursuing the separation activity.

The Department recognizes that any planned reduction in employment levels at SR could cause a high level of anxiety within the work force. To minimize this anxiety, the contractors will communicate frequently, openly and honestly with employees.

C. WORKFORCE PLANNING

The Department and its contractors will continually review the skill mix necessary to carry out future missions at SR and how those skills compare to those of the existing work force. Uncertainties regarding missions, as well as the skills that will be needed to accomplish future missions, make detailed, long-range planning and projections extremely difficult.

1. Skills Inventory

The contractors will maintain an inventory of the skills of its respective work forces and update it annually. The skills included in the inventory are those that employees already possess and can readily demonstrate. The contractors will complete an updated skills inventory and assessment of skills needed prior to any workforce restructuring involving employee separations. Employees should be encouraged to ensure that the information available accurately reflects all their education, retraining, certifications, etc.

In order for the skills inventory to be of maximum benefit to the employee and contractor alike with respect to transferring, retraining, and staffing projections, the skills inventory should be expressed in terms of the skills required to meet evolving mission requirements, as stated in occupational categories.

2. Assessment of Available Skills Relative to Skills Requirements

The contractors will prepare and maintain a rolling three-year workforce assessment reflecting: 1) projected workforce skills requirements, 2) the current composition and inventory of the skills of the work force, and 3) the feasibility of retraining existing employees to meet changing mission requirements. The assessment will be expressed in terms of occupational categories. Showing present employment levels and future skills requirements based on projected missions and budget estimates for the three-year period, the assessment will be updated at least annually.

3. Workforce Planning and Restructuring Strategy

DOE is responsible for determining overall workforce restructuring policy for the SRS. The contractors are responsible for implementation of DOE workforce restructuring policy and oversight of restructuring programs conducted under this Plan. Attrition will be managed to minimize the need for involuntary separations. The contractors will identify, review, and document any skills mismatches, excesses or deficiencies according to skill classification prior to conducting a voluntary or involuntary separation program. **The Department strongly disapproves hiring from the outside which has the effect of “backfilling” the positions of individuals separating as part of either a voluntary or involuntary separation program.**

IV. WORKFORCE RESTRUCTURING PROGRAMS

When a voluntary or involuntary separation program is planned, the proposing contractor will fully satisfy its obligations toward any labor organization representing its employees. Prior to conducting a separation program, the contractor will give union officials representing affected bargaining units notice of the action contemplated and comply with any obligations under the National Labor Relations Act as it relates to bargaining in the situation, as well as with any procedures set out in applicable collective bargaining agreements.

A. GENERAL PROCEDURES FOR WORKFORCE RESTRUCTURING

Consistent with applicable Departmental guidance, prior DOE-SR approval is not needed for any restructuring activities involving separations of fewer than 100 employees over a twelve-month period. However, even in cases where approval is not required, the following procedures will be used to notify the DOE-SR of any restructuring actions:

- If the restructuring involves fewer than 10 employees being separated, the contractor will notify the DOE-SR of each restructuring action by e-mail.
- If the restructuring involves the separation of 10 and up to 100 employees over a twelve-month period, the contractor will notify the DOE-SR by formal letter.
- For all restructuring actions, the DOE-SR must be given at least 15-days notice.
- All notices must contain pertinent information such as reasons, costs, dates, and numbers.
- After notification to DOE, the contractor will notify the Congressional and other stakeholders.

DRAFT

04/28/2009

- Any payment of enhanced benefits beyond those already approved in a contractor's contract must be approved by the Department.

Changes in the nature or structure of a contractor's workforce which may affect 100 or more employees within a 12-month period require the advance approval of DOE-SR. The contractor must provide such information as directed by the Contracting Officer or his or her designee to enable compliance with Section 3161 of the National Defense Authorization Act for Fiscal Year 1993 and pertinent DOE and SR guidelines and requirements.

Consistent with its obligations under Executive Order 11246 of September 24, 1965, as amended by Executive Order 12086 of October 5, 1978, the Department will particularly scrutinize any proposed workforce restructuring actions involving fifty or more employees within a twelve-month period for possible disparate impact on minorities and other protected classifications of employees.

B. SELF-SELECT VOLUNTARY SEPARATION PROGRAM (SS VSP)

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Self-Select Voluntary Separation Program (SS VSP) allows workforce restructuring to be targeted to where reductions in the work force are needed, but also to be accomplished without excessive costs and through voluntary separations instead of involuntary separations. In order to minimize the number of involuntary separations and mitigate the impact on affected employees, the contractors should consider, in consultation with DOE-SR, the use of a Self-Select Voluntary Separation Program (SS VSP) before consideration is given to an Involuntary Separation Program (ISP) when workforce restructuring is necessary. Employees in skills classifications that have been identified as having more employees than needed, or whose voluntary separation would prevent an involuntary separation, may be offered the opportunity to volunteer for separation from employment. Each contractor will reserve the right to decide whether to accept the applications which that contractor, in its discretion, determines to be in its best interest. Contractor employees who submit applications to participate in a SS VSP will be selected based upon their verified eligibility to participate, as well as continuing mission requirements and other factors. Employees whose *voluntary* applications are accepted as being in the best interest of the employer will receive the same severance package which they would otherwise receive if they were *involuntarily* separated, together with DOE Displaced Worker Medical Benefits, as described below.

C. INVOLUNTARY SEPARATION PROGRAM (ISP)

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If it is necessary to conduct an involuntary separation, efforts will be made to minimize the number of employees involuntarily separated. Non-represented employees will be identified for involuntary separation consistent with applicable personnel policies and on the basis of non-discriminatory factors to be determined by the contractor at the time of the involuntary separation program. Examples of factors that may be relevant are:

DRAFT

04/28/2009

documented individual performance, seniority, the need for the individual's skills taking into account retraining possibilities, and the number of individuals with the required skills. Critical skills are not determined solely by job classification, but rather by the skills needed to accomplish continuing site missions. The transferability of skills across organizational entities, the impact of attrition, and the diversity of work experience as it relates to the overall strategic direction at the SRS may also be considered, as appropriate. Employees who are not covered by collective bargaining agreements will receive severance pay in accordance with the contractor's approved severance plan.

Represented employees covered by collective bargaining agreements will be identified for involuntary separation in accordance with any requirements in their collective bargaining agreements and will receive severance pay as provided by the severance provisions of those agreements.

Any selection or evaluation of employees that is associated with any workforce restructuring action must comply with all legal requirements, including those pertaining to equal employment opportunity and diversity, as discussed above.

V. ASSISTANCE AND BENEFIT PROGRAMS

A. RETRAINING PROGRAMS

1. Objectives

As this Plan has repeatedly emphasized, DOE believes retraining is vital to accomplishing many of the objectives of this Workforce Restructuring Plan, including: (1) minimizing loss of vital skills and knowledge, (2) minimizing negative impacts to the surrounding communities and affected employees, and (3) minimizing, to the extent practicable, the need for involuntary reductions in the workforce.

2. Retraining for Retained Employees

Once impacted individuals have been notified, the contractor may conduct a "closed job fair" specifically for impacted individuals to bid on funded vacancies at the SRS. Successful bidders who meet the minimum requirements of an existing opening may be provided retraining to become proficient in their new position.

B. DOE DISPLACED WORKERS MEDICAL BENEFITS PROGRAM

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All eligible contractor employees who separate from employment voluntarily or involuntarily (other than for cause) and who were eligible for medical insurance coverage under the contractor's plan at the time of separation from employment are eligible for medical coverage under the DOE Displaced Workers Medical Benefits Program (DWMBP), provided they are not eligible for coverage under another plan, e.g., another employer's group health plan, the contractor's retiree medical plan, a spouse's medical plan, or Medicare. During the first year following separation, the contractor will continue to pay the employer portion of the medical premium share and the employee will be billed for the employee portion of the applicable monthly premium, depending on the type and level of coverage the employee has at separation. During the second year after termination, the employee will be responsible for one-half of the full Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) rate for this coverage and the contractor will pay the remainder. Beginning in the third year and continuing thereafter, the separated employee will be responsible for paying the full COBRA rate.

If an employee is eligible for coverage from another employer or a spouse's employer, but that employer's coverage contains a pre-existing condition limitation, the employee will be allowed to continue to receive benefits under the DWMBP for the pre-existing condition until the limitation period with the new employer is satisfied. Similarly, the employee may continue coverage under the DWMBP during any waiting period before coverage under a new plan is effective.

Alternatively, terminated employees may elect to continue medical coverage under COBRA, as modified by the American Recovery and Reinvestment Act of 2009. Employees will be provided a separate notice or notices, if more than one notice is required by law, of COBRA benefits.

C. HIRING PREFERENCE

1. The Section 3161 Rehiring Preference for Eligible Separated Employees

To the extent practicable, involuntarily separated contractor employees who (a) otherwise meet the eligibility requirements contained in this Plan, and (b) will receive a hiring preference with respect to vacancies for positions for which they are qualified or, to the extent practicable in the circumstances, for which they may become qualified. Eligible employees who are involuntarily separated as a result of outsourcing or privatization will be covered by hiring preference and other provisions of this Plan and applicable bargaining agreements. However, employees will not be considered to have involuntarily separated for purposes of Section 3161 rehiring preference if they are separated as a result of: (1)

DRAFT

04/28/2009

termination for cause; (2) voluntary separation from employment at SR; (3) the normal completion of a contract; or (4) privatization or outsourcing where the employees laid off are offered comparable compensation with the new contractor. Additionally, to retain eligibility for the preference, individuals must recertify annually through the use of the form contained in Appendix A.

Eligibility for the Section 3161 rehiring preference will be consistent with the Planning Guidance for contractor Workforce Restructuring dated December 1998:

Regular employees are individuals employed for an indefinite period with no specified ending date. Such employees include full-time and part-time employees. To be classified as a qualified, eligible employee under section 3161, regular employees must have been:

- Employed at a DOE defense nuclear facility on or before September 27, 1991; and
- Employed at the SRS in a full-time or part-time regular capacity on the date a workforce restructuring notice was given for a specific workforce reduction; and
- Involuntarily separated (other than for cause).

Intermittent employees are individuals employed in situations that results in repeated periods of employment and unemployment, (e.g., most construction trades). To be qualified as eligible for the Section 3161 rehiring preference, intermittent employees must have been:

- Employed at any DOE defense nuclear facility on or before September 27, 1991; and
- Must have worked at such a facility within the 180 days preceding an applicable workforce restructuring notification; and
- Must have worked at a DOE defense nuclear facility a total time, including time worked prior to September 27, 1991, equivalent to having worked 40 hours per week from September 27, 1991, through the date of the notification, or have actually worked the industry standard of full-time from September 27, 1991, through the date of the notification; and
- Must have been adversely affected by the announced restructuring at the SRS within a reasonable period of time (one year). This includes the interruption of a project before its anticipated completion, or the completion of the assignment or project without prospect for a follow-on

DRAFT

04/28/2009

assignment at the site where the employee had a reasonable expectation of a follow-on assignment.

Contractors engaged in operations at the SRS will implement the Section 3161 rehiring preference in accordance with the SRS Preference in Hiring Procedure (See Appendix B – “SRS Preference in Hiring Procedures”). Websites such as the Job Opportunity Bulletin Board System (JOBBS) will be utilized through the contractor and other outplacement sources to assist eligible individuals in locating vacancies within the DOE complex for which they may be qualified. JOBBS can be found at: <https://www.jobbs.energy.gov/jobbs/bbs/index.cfm>.

2. Subcontracts and Implementation of the Section 3161 Rehiring Preference

New subcontractors and sub-tier contractors which (with any contract options) exceed \$500,000, except subcontracts for the purchase of supplies, equipment or property, will be required by contract language to accord hiring preference to displaced employees consistent with this Plan and the requirements of applicable procurement laws.

In order to ensure that hiring preference requirements are inserted into subcontracts, the DOE has developed a model clause (48 CFR (DEAR) 952.226-74) to be used as the basis for developing applicable provisions in its solicitations for new contracts and subcontracts at the SRS facilities. Subcontractors are required to maintain adequate documentation to support hiring decisions, and insert hiring preference requirements into its subcontracts.

D. OUTPLACEMENT SERVICES

To mitigate the impact of SRS employees losing jobs, local employees should seek assistance from the State of South Carolina Employment Security Commission and the State of Georgia Department of Labor

In addition, contractors may provide outplacement services through a third party vendor, subject to the availability of funds. Impacted employees can also utilize the Department of Labor (DOL) internet site: <http://www.dol.gov/dol/audience/aud-unemployed.htm> to get information regarding job seeking.

The DOL’s services include skill assessments, workshops, assistance with resume creation and reproduction, interview techniques, job market information, resource libraries, and automated job listings.

DRAFT

04/28/2009

SOUTH CAROLINA

Individuals can find information about state-sponsored education and training, career assistance, and current vacancies at the South Carolina Employment Security website: <http://www.sces.org>.

In addition, individuals may obtain additional information from the South Carolina Employment Security's Aiken One-Stop office:

1571 Richland Avenue East
P.O. Box 2418
Aiken, SC 29802-2418

GEORGIA

Individuals can find information about state-sponsored education and training, career assistance, and current vacancies at the Georgia Department of Labor website: <http://www.dol.state.ga.us/>

In addition, individuals may obtain additional information from the Georgia Department of Labor's Career Center:

601 Greene Street
Augusta, GA 30901-1427

DRAFT

04/28/2009

**APPENDIX A - STATEMENT OF INTEREST IN MAINTAINING SECTION 3161
EMPLOYMENT ELIGIBILITY**

Name: _____
FIRST Middle Last

Social Security Number: _____ - _____ - _____

Address: _____
Street/Apartment Number

City State Zip Code

Telephone Number: (____) _____ - _____ (____) _____ - _____
HOME WORK

Date of Lay-Off resulting from Workforce Restructuring: _____
Month/Day/Year

Employer: _____

Position(s) held: _____

COCS Codes: (See attached form) _____

Education: (Last level completed and discipline) _____

Are you willing to relocate for employment? _____ YES _____ NO _____ MAYBE

I hereby request that my name be placed on the Section 3161 Preference in Hiring List for the Savannah River Site and be considered for any job opportunities that may arise for which I am qualified. I also certify that I have not been terminated for cause from employment by a Department of Energy contractor or subcontractor while performing work at a Department of Energy site. I understand that I am required to inform (contractor) as to my preference status and that I am required to submit a hard copy of my resume with this application.

**I ALSO UNDERSTAND THAT IN ORDER TO RETAIN PREFERENCE IN HIRING STATUS, I
AM REQUIRED TO COMPLETE A NEW FORM ANNUALLY TO MAINTAIN MY
PREFERENCE STATUS.**

SIGNATURE

DATE

Send completed form to: (Contractor)

APPROVED:

(Contractor) _____ DATE _____ HIRE DATE _____ SEPARATION DATE _____

DRAFT

04/28/2009

APPENDIX B – SAVANNAH RIVER SITE CONTRACTOR PREFERENCE IN HIRING PROCEDURES

Pursuant to the Interim Planning Guidance for Contractor Workforce Restructuring, eligible employees involuntarily separated from employment (except if terminated for cause) at the SRS, or other DOE sites may be eligible for preference in hiring. Where qualifications are approximately equal, eligible individuals will be given preference in hiring consistent with applicable law, regulation, or executive order, and collective bargaining agreements.

Initially, and on an annual basis thereafter, eligible individuals must certify on the Statement of Interest in Maintaining Section 3161 Employment Eligibility, their desire to retain their hiring preference through the (contractor) Web sites such as Job Opportunity Bulletin Board System (JOBBS) will be utilized through the (contractor's) other outplacement sources to assist eligible individuals in locating vacancies within the DOE Complex for which they may be qualified. JOBBS can be found at <https://www.jobbs.energy.gov/jobbs/bbs/index.cfm>.

In order to be eligible, individuals must meet the requirements as identified below:

Regular employees are individuals employed for an indefinite period with no specified ending date. Such employees include full time and part time employees. To be classified as a qualified, eligible employee under Section 3161, regular employees must have been:

- Employed at a DOE defense nuclear facility on or before September 27, 1991;
and
- Employed at the SRS in a full-time or part-time regular capacity on the date a workforce restructuring notice was given for a specific workforce reduction; and
- Involuntarily separated (other than for cause)